

LAW OFFICES

SHERMAN, DUNN, COHEN, LEIFER & YELLOG, P. C.

900 SEVENTH STREET N W

SUITE 1000

WASHINGTON D C 20001

(202) 785-9300

FAX (202) 775-1950

LAURENCE J COHEN
TERRY R YELLOG
RICHARD M RESNICK
ROBERT D KURNICK
VICTORIA L BOR
NORA H LEYLAND
MARTIN J CRANE
SUE D GUNTER
JONATHAN D NEWMAN

LOUIS SHERMAN
(1912 1996)
THOMAS X DUNN
(1911 1991)
ELIHU I LEIFER
(RET)

October 19, 2007

General Counsel's Office
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Re MUR 5944

Dear Sir or Madam

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

2007 OCT 22 A 11:47

As stated in the enclosed designation of counsel, I represent the respondents in this matter, International Brotherhood of Electrical Workers Local Union 108 ("Local 108") and its political action committee. I am writing on behalf of the respondents to explain that no violation of the Act has occurred.

The complaint filed by Sumter Electric Cooperative alleges "on information and belief" that Local 108 has established a political action committee to which its members can contribute and that "these contributions are then forwarded to the International Brotherhood of Electrical Workers Political Action Committee (IBEW PAC), which is a separate segregated fund registered as a political action committee with the FEC." The violation, according to the complaint, consists of Local 108's failure to include in its solicitation for funds the information, assurances and disclaimers required by the Act.

As an initial matter, it is worth noting that this complaint appears to be nothing more than an act of retaliation.

The complaint, however, is not merely retaliatory, it is also frivolous and without factual basis. As explained herein, Local 108's PAC is neither a political committee nor a collecting agent for a political committee. It makes contributions only to state and local candidates, and does not collect money on behalf of IBEW PAC.

As R. Floyd Suggs, the Business Manager and Financial Secretary of Local 108, states in his enclosed declaration, Local 108 has established its own political

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action committee to which members of the local union contribute funds Local 108 uses those funds primarily to make contributions, on its own behalf, to state and local candidates Local 108's PAC does not make any contributions to federal candidates

Accordingly, Local 108's PAC is not a political committee under 11 C F R § 100.5 Its funds are not used to make expenditures or contributions within the meaning of the Act and, because it does not make expenditures or contributions in connection with federal elections, it is not a separate segregated fund established under 2 U S C § 441b(b)(2)(C) Local 108's PAC therefore has no obligation to register with or report to the Commission and its solicitation of funds is not subject to the requirements of 11 C F R § 114.5

Moreover, neither Local 108 nor its PAC is a collecting agent for IBEW PAC under 11 C F R 102.6(b)(1) Local 108 is affiliated with the International Brotherhood of Electrical Workers ("IBEW") The IBEW has established its own political action committee, IBEW PAC As Floyd Suggs states in his declaration, Local 108 does not collect and transmit contributions to IBEW PAC In the last three years, Local 108's political action committee has written only a single check to IBEW PAC, a check for five hundred dollars written in 2006 Local 108 understands that the check was deposited in IBEW PAC's nonfederal account and therefore was not used to make contributions or expenditures in connection with a federal election

Local 108's PAC is therefore neither a political committee nor a collecting agent within the meaning of the Act Neither Local 108 nor its PAC has any obligation to comply with the requirements of 11 C F R § 114.5 in soliciting funds A failure to comply with those requirements does not therefore constitute a violation of the Act Because no violation of the Act has occurred, no action should be taken in response to the complaint

Sincerely,

Sherman, Dunn, Cohen, Leifer & Yellig, P C

By 
Robert D Kurnick

28044220150

BEFORE THE FEDERAL ELECTION COMMISSION**In the Matter of**

INTERNATIONAL BROTHERHOOD OF)
ELECTRICAL WORKERS. LOCAL 108 and)
INTERNATIONAL BROTHERHOOD OF) MUE 5944
ELECTRICAL WORKERS LOCAL 108)
PAC FUND)
_____)

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 COMMISSION
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 COUNSEL

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DECLARATION OF R. FLOYD SUGGS**I, R. FLOYD SUGGS, hereby declare as follows:**

1. I am the current Business Manager and Financial Secretary of International Brotherhood of Electrical Workers Local Union 108 ("Local 108"). Local 108's offices are located at 10108 Highway 92, East, Tampa Florida 33610. I have held that position for more than three years.

2. Several years ago, Local 108 established a political action committee ("Local 108 PAC"). As the Business Manager and Financial secretary of Local 108, I administer the Local 108 PAC.

3. The Local 108 PAC collects voluntary contributions from the members of Local 108 and uses those funds primarily to make political contributions to state and local candidates.

4. The Local 108 PAC does not make contributions to candidates for federal office, and to the best of my knowledge has never made a contribution to a federal candidate. It therefore has not filed a statement of organization with the Federal Election Commission and does not file periodic reports with the Commission.

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5. Local 108 is an affiliate of the International Brotherhood of Electrical Workers ("IBEW"). The IBEW has established a political action committee called IBEW PAC. I understand that IBEW PAC includes both federal and nonfederal accounts.

6. Local 108 does not collect contributions on behalf of IBEW PAC or transmit to IBEW PAC the contributions that it does receive from its members.

7. In the last three years, the Local 108 PAC has written only one check to IBEW PAC. In 2006, Local 108 PAC sent a check for \$500 to IBEW PAC. My understanding is that the check was deposited in IBEW PAC's non-federal account and therefore was not used to make contributions to federal candidates.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on

10/19/07


R. Floyd Suggs